

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Helen Swanes (Claimant) v. 21st Century Financial Services, Inc. and Charles Mazziotti (Respondents)

Case Number: 02-06852

Hearing Site: New York, New York

Nature of the Dispute: Customer v. Member and Associated Person

REPRESENTATION OF PARTIES

Claimant Helen Swanes ("Swanes") hereinafter referred to as "Claimant": Howard M. Rosenfield, Esq., Farmington, CT.

Respondents 21st Century Financial Services, Inc. ("21st Century") and Charles Mazziotti ("Mazziotti") hereinafter collectively referred to as "Respondents": Matthew Tracy, Esq., Winget, Spadafora & Schwartzberg, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed by Claimant: April 30, 2003.

Claimant signed the Uniform Submission Agreement: May 1, 2003.

Joint Statement of Answer filed by Respondents: October 13, 2003.

21st Century signed the Uniform Submission Agreement: August 18, 2003.

Mr. Mazziotti did not sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: (1) breach of fiduciary duty; (2) violations of Sections 10(b) and 20(a) of the Exchange Act and Rule 10b-5 promulgated thereunder; (3) violations of the Uniform Securities Act; (4) violations of the Unfair Trade Practices act; (5) unsuitability; (6) common law fraud; (7) conversion; (8) recklessness; (9) breach of contract; and (10) failure to supervise. The causes of action relate to mutual funds.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$100,000.00 to \$500,000.00 plus an unspecified amount of costs, expenses, attorneys' fees and punitive damages.

Respondents requested dismissal of the Statement of Claim in its entirety plus attorneys' fees, costs, forum fees and surcharges. In addition, Respondents requested an order expunging this matter from Charles Mazziotti's regulatory records.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Mazziotti did not file with NASD Dispute Resolution a properly executed uniform Submission Agreement but is required to submit to arbitration pursuant to the Code, and having answered the claim, is bound by the determination of the Panel on all issues submitted.

By letter dated July 8, 2004, NASD Dispute Resolution was notified that the parties had entered into a settlement agreement. On or about October 19, 2004, the Claimant executed a Notice of Withdrawal With Prejudice.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The Claims against Respondents are dismissed with prejudice and without cost to any party.
2. The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Charles Mazziotti's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Charles Mazziotti must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

FEES

Pursuant to the code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial Claim Filing Fee: = \$300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, 21st Century is a party.

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$2,750.00
Total Member Fees	= \$5,200.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Forum fees associated with these proceedings are:

One (1) Pre-Hearing conference session with a single arbitrator @ \$450.00/session = \$ 450.00
Pre-Hearing Conference: 1 session

One (1) Pre-Hearing conference session with the Panel @ \$1,125.00/session = \$1,125.00
Pre-Hearing Conference: January 13, 2004 1 session

Total Forum Fees = **\$1,575.00**

1. The Panel has assessed \$787.50 of the forum fees against Claimant.
2. The Panel has assessed \$787.50 of the forum fees against Respondents.

Fee Summary

1.	Claimant is solely liable for:	
	Initial Filing Fee	= \$ 300.00
	Forum Fees	= \$ 787.50
	Total Fees	= \$1,087.50
	Less Payments	= \$ 300.00
	Balance Due NASD Dispute Resolution	= \$ 787.50
2.	Respondents are solely liable for:	
	Member Fees	= \$5,200.00
	Forum Fees	= \$ 787.50
	Total Fees	= \$5,987.50
	Less Payments	= \$5,200.00
	Balance Due NASD Dispute Resolution	= \$ 787.50

All balances are due and payable to NASD Dispute Resolution.

Parties' Signatures

Helen Swanes
Helen Swanes
Claimant

11/9/04
Signature Date

Charles Mazzotti
21st Century Financial Services, Inc.
Respondent

October 19, 2004
Signature Date

Charles Mazzotti
Charles Mazzotti
Respondent


October 19, 2004
Signature Date

ARBITRATION PANEL

Richard W. Cutler, Esq.
Ernest Fanwick, Esq.
C. Kenneth Yoblon

- Public Arbitrator, Presiding Chair
- Public Arbitrator
- Industry Arbitrator

Concurring Arbitrators' Signatures


Richard W. Cutler, Esq.
Public Arbitrator, Presiding Chair

11/3/04
Signature Date

Ernest Fanwick, Esq.
Public Arbitrator

Signature Date

C. Kenneth Yoblon
Industry Arbitrator

Signature Date

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Ernest Fanwick, Esq.	-	Public Arbitrator
C. Kenneth Yoblon	-	Industry Arbitrator

Concurring Arbitrators' Signatures

Richard W. Cutler, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Ernest Fanwick
Ernest Fanwick, Esq.
Public Arbitrator

29 October 2004
Signature Date

C. Kenneth Yoblon
Industry Arbitrator

Signature Date

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Richard W. Cutler, Esq. -
Ernest Fanwick, Esq. -
C. Kenneth Yoblon -

Public Arbitrator, Presiding Chair
Public Arbitrator
Industry Arbitrator


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Richard W. Cutler, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Ernest Fanwick, Esq.
Public Arbitrator

Signature Date



C. Kenneth Yoblon
Industry Arbitrator



Signature Date